



**Town of Harpswell**  
**Planning Board Minutes**  
May 21, 2014  
Adopted June 18, 2014

**Members Present**

David I. Chipman, Chair  
Paul Standridge, Vice Chair  
Burr Taylor  
Debora Levensailor  
John Papacosma, Associate Member  
Frank Wright, Associate Member

**Members Absent**

Aaron Fuchs

**Staff Present**

Carolyn Eyerman, Town Planner

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David I. Chipman, Chair. The Pledge of Allegiance was recited. Board members were introduced.

**Old Business: None**

**New Business: 14-05-02 – Harpswell Heritage Land Trust (Applicant), Reed Coles, Executive Director (Representative) – Map 14 Lot 12, Basin Point Road, Harpswell – Site Plan Review**

Reed Coles stated that within the last two (2) years, the Land Trust has acquired 86 acres known as Curtis Farm Preserve. There is one entrance at the Old Williams Field and this application is for another parking lot on Basin Point Road. The parking lot will be for 10 cars, with no structures allowing the public easy access to the shore.

The Chair appointed John Papacosma a full voting member for this meeting and welcomed the new Associate Member, Frank Wright.

**Paul Standridge moved seconded by Debora Levensailor that Sections 15.11, 15.12, 15.13, 15.15, 15.16B, 15.17, 15.18, 15.22 of the Site Plan Review Ordinance and 15.7.1 of the Shoreland Zoning Ordinance do not apply. Unanimous Approval**

Under Section 15.1 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does meet the dimensional requirements of the Basic Land Use Ordinance and/or Shoreland Zoning Ordinance, as applicable, based on the following evidence: In a review memo dated April 30, 2014, the Code Enforcement Officer (CEO) found that all dimensional requirements are met. Unanimous Approval**

Under Section 15.2 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does reflect that the natural capabilities of the site to support the development, and that**

**environmentally sensitive areas and natural drainage areas will be preserved and protected to the maximum extent, based on the following evidence:** The applicant's materials and site plan show that the parking lot is proposed to be located outside of the wetland, significant wildlife habitat, and on the flat area near the head of the cove. According to the Memo by the CEO, it is located within the flood hazard area, but is above the base flood elevation by 1.1 feet. **Unanimous Approval**

Under Section 15.3 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that vehicular access to the site will be on roads with adequate capacity and Level of Service for the development, or that the applicant has demonstrated that necessary improvements will be accomplished, based on the following evidence:** The applicant states in the written materials that the development will not generate 100 peak hour trips and the vehicular access should be sufficient for the proposed use. **Unanimous Approval**

Under Section 15.4 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by Paul Standridge that the project does demonstrate that vehicular access to and from the site is safe and convenient and meets the eight (8) driveway and access ways standards of Section 15.4, based on the following evidence:** The applicant gave testimony that the vehicular access will meet the criteria and the Board made a condition of approval to require the 3% or less grade. **Unanimous Approval**

Under Section 15.5 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that the proposed entrances and exits and private access ways will be appropriately sited in conformance to Section 15.5, based on the following evidence:** The entrance is more than 50 feet away from an unsignalized intersection and more than 150 feet away from a signalized intersection. **Unanimous Approval**

Under Section 15.6 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that the site provides for safe movement of passenger, service, and emergency vehicles through the site and within parking lots, and provides for pedestrian and cyclist safety, based on the following evidence:** The site plan shows adequate and clear routes for emergency access and the circulation pattern is safe and convenient for vehicles. **Unanimous Approval**

Under Section 15.7 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does provide for adequate vehicular parking spaces, and any off-road parking conforms to the six (6) layout and design standards of Section 15.7.2, based on the following evidence:** The site appears to provide a sufficient number of parking for the current use. **Unanimous Approval**

Under Section 15.8 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does provide a system of pedestrian ways appropriate to the type and scale of the development, based on the following evidence: The site plan does not have pedestrian ways designated, but the site is laid out in an orderly fashion such that it is clear where to walk and appears to be safe. Unanimous Approval**

Under Section 15.9 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that adequate provision is made for the collection and disposal of stormwater runoff with no adverse impact on abutting or downstream properties, and that negative impacts from both the quantity and quality of the storm water has been adequately managed in compliance with seven (7) stormwater management standards of Section 15.9, based on the following evidence: The applicant states in the application material that the parking lot will be pitched to the north so that the stormwater will flow into the forest. Unanimous Approval**

Under Section 15.10 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that all structures and roads harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible to control erosion, and that filling, excavation, and earth moving activity will be minimized, based on the following evidence: The applicant states within the application materials that standard erosion control measures will be utilized where needed. Unanimous Approval**

Under Section 15.14 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that A) the project does demonstrate that the landscape is preserved in its natural state insofar as practical, based on the following evidence: The site plan and written materials indicate that only the area directly associated with the parking lot will be cleared for use. Unanimous Approval**

and

**Debora Levensailor moved seconded by David Chipman that B) the project does demonstrate that there are sufficient setbacks and screening of exposed storage areas, articles of salvage or refuse, etc. on the site, based on the following evidence: There are no refuse containers proposed in the site plan application and the current trees and understory are adequate to buffer the use from abutting neighbors. Unanimous Approval**

Under Section 15.16 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that A) the project does demonstrate that there will be no release of harmful substances that would pollute, harm, or cause nuisance in any receiving waters, and all storage facilities for**

**chemicals, industrial wastes, or biodegradable materials comply with regulations of the Maine Department of Environmental Protection (DEP) and the State Fire Marshal's Office, based on the following evidence:** The applicant states in the application that there will be no storage of fuel, chemicals, etc. and it will not discharge pollutants into the surface or ground water. **Unanimous Approval**

Under Section 15.19 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that the development is designed to protect and preserve archaeological and historic sites identified by the Planning Board, based on the following evidence:** This site is not identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or National Park Service as a historic or archaeological resource. **Unanimous Approval**

Under Section 15.20 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the project does demonstrate that all use and development of portions of the site within a special flood hazard area are consistent with the Town's Floodplain Management Ordinance, based on the following evidence:** The Code Enforcement Office has stated in the review memo, dated April 30, 2014, that a flood hazard permit is required and it is to be a condition of approval. **Unanimous Approval**

Under Section 15.21 of the Site Plan Review Ordinance:

**Debora Levensailor moved seconded by David Chipman that the applicant has demonstrated the financial and technical capacity to carry out the development in accordance with this Ordinance and the approved plan, based on the following evidence:** The applicant states in the application material that the Land Trust has received grants to fund the cost of the parking lot. **Unanimous Approval**

#### **Exhibit B – Section 15 of the Shoreland Zoning Ordinance**

Under Section 15.7.2 of the Shoreland Zoning Ordinance

**Debora Levensailor moved seconded by David Chipman that the applicant has demonstrated that the development is of adequate size for the use and will be designed to minimize runoff and erosion. Where feasible, runoff is retained on site and prevented from flowing into great ponds, streams, tributary streams, coastal wetlands, or freshwater wetlands, based on the following evidence:** The applicant states in the application material that the parking lot will be pitched to the north so that the stormwater will flow into the forest. **Unanimous Approval**

**David Chipman moved seconded by Debora Levensailor that the Planning Board finds that the application is complete. Unanimous Approval**

**David Chipman moved seconded by Debora Levensailor that the applicant, Harpswell Heritage Land Trust, has met the standards of the Town of Harpswell**

**Shoreland Zoning Ordinance and Site Plan Review Ordinance. The Planning Board unanimously voted to approve the application and site plan with the following standard conditions of approval:**

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Planning Board.
2. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.  
All work shall be completed in conformance with the approved plans, drawn by Reed Coles, April 18, 2014.  
Standard Boundary Survey, Curtis Farm Preserve, by Midcoast Survey Co., dated July 18, 2010.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.
4. If necessary, no work shall be started until the applicant has established a performance guarantee acceptable to the Planning Board.
5. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency's conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
6. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.
7. All work shall be completed in accordance with Section 15.16 of the Shoreland Zoning Ordinance.

**The Planning Board voted to approve the application and site plan with the following additional Condition(s) of Approval:**

1. Section 15.4 - The grade of the access-way will be 3% or less.  
Section 15.20 – A flood hazard permit will be applied for.

**14-05-03 – Charles & Myllisa Kapela (Applicant/Owners) – Map 12 Lot 26, 39 Gingers Road, Harpswell – Reconstruction of Non-Conforming Structure**

Charles Kapela stated that the existing structure is 29' x 13', is nonconforming and he is asking to move the structure by five (5) feet and connect it to the already permitted two (2) car garage. This will make it less nonconforming. Ms. Eyerman noted that she received correspondence from Albert Frick stating the septic system's location is the only

location available to the Kapelas due to setbacks. Also, she received two letters from abutters; both have no objections and support the application. Ms. Eyerman received a phone call from a neighbor stating their concerns about a three (3) car garage is a lot of building for the area and a two (2) car garage is sufficient.

Mr. Lou Kimball, a neighbor, said he is in support of this application.

**Burr Taylor moved seconded by Debora Levensailor to remand the application to the Code Enforcement Office. Unanimous Approval**

**14-05-04 – Greg Tisdale (Applicant), Bruce & Karen McEwen (Owners) – Map 47 Lot 51, 37 South Dyers Cove Road – Reconstruction of Nonconforming Structure**

Greg Tisdale, representing the McEwens stated that the proposal was to take a nonconforming structure and reconstruct, with less than 30% and not making it anymore nonconforming than it already is now. The Board discussed the Busse system and the size and shape of the property and the maximum high water line.

**Burr Taylor moved seconded by Debora Levensailor to remand this application to the Code Enforcement Office.**

**Discussion:** Brook Barnes, representing David & Debbie Thomas, a neighbor, stated the concerns of the Thomas'. They are the allowable footprint, blasting and wells, down gradient volume of chipping, septic setback with the Busse system, erosion control, stormwater runoff, increased impermeable area and setback to common way.

Greg Tisdale noted that approximately 150 yards of material will be removed, silt fences and hay bales will be used for the erosion control, crushed stones will be used on the driveway and. The setback from road will be 6 feet stated in the application.

**Unanimous Approval**

**Other Business: Election of Officers**

**Burr Taylor moved seconded by John Papacosma that the current slate of officers be nominated: Unanimous Approval**

**Consideration of Minutes of April 16, 2014:**

**Burr Taylor moved seconded by Paul Standridge to accept the minutes of April 16, 2014 as presented: Approved 4-0-1 (Debora Levensailor abstained)**

**Communications:** The owners of the Giant Stairs Restaurant would like to reschedule another revisit.

Planning Board Meeting  
Minutes of May 21, 2014  
Adopted June 18, 2014

**Planner's Update:** Lot by Lot Development Standards – Ms. Eyerman distribute a memo to the Board. A workshop is planned with William Wells, Code Enforcement Officer.

Accessory Residential Units – A memo was given to the Board about combining the language into one Ordinance.

Flexible Subdivision workshop – It was suggested to combine the two workshops including the Lot by Lot Development Standards and the Flexible Subdivision.

Ms. Eyerman will communicate with the Board.

**Announcements:** The next regular Planning Board meeting will be June 18, 2014

**Adjournment:** Paul Standridge moved seconded by Debora Levensailor to adjourn the meeting. Unanimous Approval

The meeting adjourned at 7:52 PM

Respectfully submitted by:

Diane E. Plourde  
Recording Secretary